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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 **IRMA B. SANCHEZ,**

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Plaintiff,

1:12-cv-01835-AWI-SAB

STIPULATED PROTECTIVE ORDER

v.

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**STATE OF CALIFORNIA, SYDNEY
SMYTH, and DOES 1 THROUGH 15, in
their individual capacities,**

Defendants.

19 In order to protect the confidentiality of confidential information obtained by the parties in
20 connection with this case, the parties hereby agree as follows:

21 1. Any party or non-party may designate as “confidential” (by stamping the relevant
22 page or as otherwise set forth herein) any document or response to discovery which that party or
23 non-party considers in good faith to contain information involving employment information,
24 medical information, private thoughts, private communications between family members or
25 confidential financial information, subject to protection under the Federal Rules of Civil
26 Procedure or California law. Where a document or response consists of more than one page, the
27 first page and each page on which confidential information appears shall be so designated.
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1 2. A party or non-party may designate information disclosed during a deposition or in
2 response to written discovery as “confidential” by so indicating in said responses or on the record
3 at the deposition and requesting the preparation of a separate transcript of such material.
4 Additionally, a party or non-party may designate in writing, within twenty (20) days after receipt
5 of said responses or of the deposition transcript for which the designation is proposed, that
6 specific pages of the transcript and/or specific responses be treated as “confidential” information.
7 Any other party may object to such proposal, in writing or on the record. Upon such objection,
8 the parties shall follow the procedures described in paragraph 8 below. After any designation
9 made according to the procedure set forth in this paragraph, the designated documents or
10 information shall be treated according to the designation until the matter is resolved according to
11 the procedures described in paragraph 8 below, and counsel for all parties shall be responsible for
12 marking all previously unmarked copies of the designated material in their possession or control
13 with the specified designation.

14 3. Any party may designate Information as “Highly Confidential Information –
15 Attorneys Eyes Only” under the terms of this order. “Highly Confidential Information –
16 Attorneys Eyes Only” is information which, according to a party, is of an unusually confidential
17 or proprietary nature. “Highly Confidential Information – Attorneys Eyes Only” is information
18 which is only for the eyes of counsel, its legal assistants and its legal staff, as well as the Court,
19 and shall not be disclosed to a party or to an officer, director, or employee of a party unless such
20 disclosure is agreed to by all parties hereto in writing or ordered by the Court.

21 4. All information produced or exchanged in the course of this case (other than
22 information that is publicly available) shall be used by the party or parties to whom the
23 information is produced solely for the purpose of this case.

24 5. Except with the prior written consent of the other parties, or upon prior order of this
25 Court obtained upon notice to opposing counsel, Confidential Information shall not be disclosed
26 to any person other than: (a) counsel for the respective parties to this litigation, including in-
27 house counsel and co-counsel retained for this litigation; (b) employees of such counsel;
28 (c) individual defendants, class representatives, any officer or employee of a party, to the extent

1 deemed necessary by counsel for the prosecution or defense of this litigation; (d) consultants or
2 expert witnesses retained for the prosecution or defense of this litigation, provided that each such
3 person shall execute a copy of the Certification annexed to this Order (which shall be retained by
4 counsel to the party so disclosing the Confidential Information and made available for inspection
5 by opposing counsel during the pendency or after the termination of the action only upon good
6 cause shown and upon order of the Court) before being shown or given any Confidential
7 Information; (e) any authors or recipients of the Confidential Information; (f) the Court, court
8 personnel, and court reporters; and (g) witnesses (other than persons described in paragraph 4(e)).
9 A witness shall sign the Certification before being shown a confidential document. Confidential
10 Information may be disclosed to a witness who will not sign the Certification only in a deposition
11 at which the party who designated the Confidential Information is represented or has been given
12 notice that Confidential Information produced by the party may be used. At the request of any
13 party, the portion of the deposition transcript involving the Confidential Information shall be
14 designated "Confidential" pursuant to paragraph 2 above. Witnesses shown Confidential
15 Information shall not be allowed to retain copies.

16 6. Any persons receiving Confidential Information shall not reveal or discuss such
17 information to or with any person who is not entitled to receive such information, except as set
18 forth herein.

19 7. A party seeking to file a document under seal must seek authorization of the Court in
20 accordance with Civil Local Rule 141. No document shall be filed under seal except pursuant to
21 a court order that authorizes the sealing of the particular document or portion thereof and is
22 narrowly tailored to seal only that material for which good cause to seal has been established.
23 Only those documents, pages or, if practicable, those portions of documents or pages, which
24 contain the information requiring confidentiality shall be sealed.

25 8. For applications and motions to the Court on which a party submits Confidential
26 Information, all documents and chamber copies containing Confidential Information which are
27 submitted to the Court shall be filed with the Court in sealed envelopes or other appropriate
28 sealed containers. On the outside of the envelopes, a copy of the first page of the document shall

1 be attached. If Confidential Information is included in the first page attached to the outside of the
2 envelopes, it may be deleted from the outside copy. The word “CONFIDENTIAL” shall be
3 stamped on the envelope and a statement substantially in the following form shall also be printed
4 on the envelope: This envelope is sealed pursuant to Order of the Court, contains Confidential
5 Information and is not to be opened or the contents revealed, except by Order of the Court or
6 agreement by the parties.

7 9. A party may designate as “Confidential” documents or discovery materials produced
8 by a non-party by providing written notice to all parties of the relevant document numbers or
9 other identification within thirty (30) days after receiving such documents or discovery materials.
10 Any party or non-party may voluntarily disclose to others without restriction any information
11 designated by that party or non-party as confidential, although a document may lose its
12 confidential status if it is made public.

13 10. If a party contends that any material is not entitled to confidential treatment, such
14 party may at any time give written notice to the party or non-party who designated the material.
15 The party or non-party who designated the material shall have twenty-five (25) days from the
16 receipt of such written notice to apply to the Court for an order designating the material as
17 confidential. The party or non-party seeking the order has the burden of establishing that the
18 document is entitled to protection.

19 11. Notwithstanding any challenge to the designation of material as Confidential
20 Information, all documents shall be treated as such and shall be subject to the provisions hereof
21 unless and until one of the following occurs: (a) the party or non-party who claims that the
22 material is Confidential Information withdraws such designation in writing; or (b) the party or
23 non-party who claims that the material is Confidential Information fails to apply to the Court for
24 an order designating the material confidential within the time period specified above after receipt
25 of a written challenge to such designation; or (c) the Court rules the material is not Confidential
26 Information.

27 12. All provisions of this Order restricting the communication or use of Confidential
28 Information shall continue to be binding after the conclusion of this action, unless otherwise

1 agreed or ordered. Upon conclusion of the litigation, a party in the possession of Confidential
2 Information, other than that which is contained in pleadings, correspondence, and deposition
3 transcripts, shall either: (a) return such documents no later than thirty (30) days after conclusion
4 of this action to counsel for the party or non-party who provided such information; or (b) destroy
5 such documents within the time period upon consent of the party who provided the information
6 and certify in writing within thirty (30) days that the documents have been destroyed.

7 13. The terms of this Order do not preclude, limit, restrict, or otherwise apply to the use
8 of documents at trial. This Stipulation shall have no application to trial, or the presentation of
9 evidence at trial in this matter. Should either party deem a protective order necessary at the time
10 of trial, they may enter into an agreement or move the Court for an appropriate order.

11 14. This Stipulation is made without prejudice to the right of any party to seek an Order
12 from the Court modifying or limiting any designation of information or documents as
13 confidential, or otherwise modifying this Stipulation and Protective Order in any way with
14 respect to any specified materials after forty-eight (48) hours written notice to the opposing party.

15 15. Nothing herein shall be deemed to waive any applicable privilege or work product
16 protection, or to affect the ability of a party to seek relief for an inadvertent disclosure of material
17 protected by privilege or work product protection.

18 16. Each category of information proposed to be covered by this Order implicates the
19 private personal information of one of the parties, both of whom are sworn peace officers with
20 particular concerns about their safety and privacy.

21 17. The following categories of information may be designated as confidential and
22 qualify for protections under this stipulation:

- 23 i. "Personnel records" as that term is defined in California Penal Code section 832.8;
24 ii. Personal information regarding an inmate, former inmate, or employee or former
25 employee of CDCR;
26 iii. Medical and mental health records and information; and

27 iv. Information subject to protection under Eastern District of California Local Rules 140,
28 141, and 141.1.

1 18. Any witness or other person, firm or entity from which discovery is sought may be
2 informed of and may obtain the protection of this Order by written advice to the parties'
3 respective counsel or by oral advice at the time of any deposition or similar proceeding.

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5 Dated: July 21, 2014

LAW OFFICES OF PAMELA Y. PRICE

/s/ Pamela Y. Price

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7 PAMELA Y. PRICE, Attorneys for Plaintiff
IRMA B. SANCHEZ

8 Dated: July 21, 2014

Respectfully submitted,

9 KAMALA D. HARRIS
10 Attorney General of California
11 SCOTT H. WYCKOFF
Supervising Deputy Attorney General

/s/ Matthew T. Besmer

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13 MATTHEW T. BESMER
14 Deputy Attorney General
Attorneys for Defendants
15 STATE OF CALIFORNIA and
SYDNEY SMITH

16 **ORDER**

17 The foregoing Stipulation is approved and IT IS SO ORDERED.

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19 IT IS SO ORDERED.

20 Dated: July 23, 2014



21 UNITED STATES MAGISTRATE JUDGE